AMENDMENTS TO THE CLAIMS

1-16. **(Canceled)**

17. **(Currently amended)** A positive resist composition, comprising:

a resin component (A) that exhibits increased alkali solubility under action of acid, said component (A) comprising:

(i) a structural unit (a1), which contains an acid dissociable, dissolution inhibiting group and is derived from a (meth)acrylate ester;

(ii) a structural unit (a2), which contains an acid dissociable, dissolution inhibiting group that is less readily dissociated than said acid dissociable, dissolution inhibiting group contained in said structural unit (a1), and is derived from a (meth)acrylate ester;

(iii) a structural unit (a3), which contains a lactone functional group and is derived from a (meth)acrylate ester; ~~and~~

(iv) a structural unit (a4) which contains a hydroxyl group and is derived from a (meth)acrylate ester[[,]];

(v) a structural unit (a5) containing aliphatic polycyclic group and derived from a (meth)acrylate ester;

an acid generator component (B) that generates acid on exposure; and

an organic solvent (C), wherein

said component (A) comprises a copolymer (A1) containing at least said structural unit (a1), said structural unit (a2), ~~and~~ said structural unit (a3), <u>said structural unit (a4) and said structural unit (a5),</u> and wherein

a combination of said structural unit (a1) and said structural unit (a2) accounts for 30 to 60 mol% of a combined total of all structural units that constitute said copolymer (A1), and

said structural unit (a3) accounts for 20 to 60 mol% of a combined total of all structural units that constitute said component (A), and

said structural unit (a4) accounts for 5 to 50 mol% of all the structural units that constitute said component (A), and

said structural unit (a5) accounts for 1 to 30 mol% to all the structural units that constitute said component (A).

18-21. **(Canceled)**

22. **(Previously presented)** A positive resist composition according to Claim17, wherein said organic solvent (C) is a mixed solvent containing at least one of PGMEA and ethyl lactate, together with γ-butyrolactone.

23. **(Canceled)**

24. **(Previously presented)** A positive resist composition according to claim 17, wherein said acid generator component (B) is an onium salt with a fluorinated alkylsulfonate ion as an anion.

25. **(Previously presented)** A positive resist composition according to claim 17, further comprising an amine (D).

26. **(Previously presented)** A method of forming a resist pattern, comprising:
applying a positive resist composition according to claim 17 to a substrate;
prebaking said positive resist composition;
selectively exposing said positive resist composition;
post-exposure baking said positive resist composition; and
alkali developing said positive resist composition to form a resist pattern.

27. **(Previously presented)** A method of forming a resist pattern according to claim 26, wherein a heating temperature used during said PEB is equal to or higher than a lower limit of a temperature range across which an acid dissociable, dissolution inhibiting group contained within said structural unit (a1) undergoes dissociation, but is less than a lower limit of a temperature range across which an acid dissociable, dissolution inhibiting group contained within said structural unit (a2) undergoes dissociation.

28. **(Previously presented)** A method of forming a resist pattern according to claim 27, wherein a heating temperature used during said PEB is within a range from 90 to 125°C.